

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ALDEN PAULINE, #A0256259,)	CIVIL NO. 13-00612 HG-RLP
)	
Plaintiff,)	FINDINGS AND RECOMMENDATION TO
)	DISMISS WITHOUT PREJUDICE
vs.)	DEFENDANTS KENNY, RICH, LAW, RAY,
)	THE UNNAMED HCF MEDICAL STAFF,
WARDEN ESPINDA, ET AL.,)	AND UNNAMED HCF COS
)	
Defendants.)	
_____)	

FINDINGS AND RECOMMENDATION TO DISMISS WITHOUT
PREJUDICE DEFENDANTS KENNY, RICH, LAW, RAY, THE
UNNAMED HCF MEDICAL STAFF, AND UNNAMED HCF COS¹

On November 26, 2014, this Court ordered Plaintiff to show cause in writing on or before December 9, 2014, why he failed to name and serve: ACOs Kenny, Rich, Law, Ray, the unnamed HCF medical staff, and unnamed HCF COS within 120 days of the December 17, 2013 Service Order. *See Findings and Recommendation Re: Request for Court Hearing; Order to Show Cause Re: Unnamed Hcf Medical Staff; Order Denying in Part and Granting in Part Request to Amend or Supplement Complaint*, Doc. No. 105, PageID #550. The Court cautioned Plaintiff that failure to show good cause in writing by December 9, 2014, would result in their dismissal from this action. *Id.* Plaintiff did not appeal or

¹ Within fourteen days after a party is served with a copy of a Findings and Recommendation, that party may file written objections in the United States District Court pursuant to 28 U.S.C. § 636(b)(1)(B). A party must file any objections within the fourteen-day period allowed if that party wants appellate review of the Findings and Recommendation. If no objections are filed, no appellate review will be allowed.

object to the November 26, 2014 decision, which was adopted in full by United States District Judge Helen Gillmor on December 23, 2014. See Doc. No. 112

Plaintiff did not file anything with the Court regarding his failure to name and serve the above listed Defendants within the time period allowed under Federal Rule of Civil Procedure 4. Accordingly, the Court FINDS AND RECOMMENDS that Defendants Kenny, Rich, Law, Ray, the unnamed HCF medical staff, and unnamed HCF COS be DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

CONCLUSION

For the reasons set forth above, the Court FINDS AND RECOMMENDS that Defendants Kenny, Rich, Law, Ray, the unnamed HCF medical staff, and unnamed HCF COS be DISMISSED without prejudice pursuant to Federal Rule of Civil Procedure 4(m).

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, JANUARY 12, 2015.




Richard L. Puglisi
United States Magistrate Judge

PAULINE V. WARDEN ESPINDA, ET AL.; CIVIL NO. 13-00612 HG-RLP; FINDINGS AND RECOMMENDATION TO DISMISS WITHOUT PREJUDICE DEFENDANTS KENNY, RICH, LAW, RAY, THE UNNAMED HCF MEDICAL STAFF, AND UNNAMED HCF COS